

**Notice of Allowability**

Application No.

09/923,847

Examiner

Ronald Baum

Applicant(s)

MARVIT ET AL.

Art Unit

2136

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/15/2006.
2. ☒ The allowed claim(s) is/are 16-19,21-24,26-29 and 31-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### *Examiner's Statement of Reasons for Allowance*

1. Claims 16-19,21-24,26-29,31-48 are allowed over prior art.
2. This action is in reply to applicant's correspondence of 15 March 2006.
3. The following is an examiner's statement of reasons for the indication of allowable claimed subject matter.
4. As per claims 16,21,26,31,37,43 generally, prior art of record, Matsumoto, U.S. Patent 6,215,877 B1, Gupta et al, U.S. Patent 6,226,752 B1, fails to teach alone, or in combination, at the time of the invention, the features as discussed and remarked upon in the response of 3/15/2006 to office action of 12/12/2005.

Specifically, (as per claim 16, for example) prior art dealing generally with encoded/encrypted data/message communications between network nodes via an associated remote key, and distribution of the cryptographic key(s) more specifically, whereas the key(s) is referenced/transferred per se, for various applications/environments (i.e., Matsumoto, Gupta et al in the case of chat, email electronic messaging, and malware transfer/network infection in the case of IS environments; see Szor, P., "Advanced Code Evolution Techniques and Computer Virus Generator Kits", Pearson Educational, Inc., InformIT, 3/25/2005, entire document, [www.awprofessional.com/articles/article.asp?p=366890&seqNum=3](http://www.awprofessional.com/articles/article.asp?p=366890&seqNum=3) for encrypted virus scenario whereas the encrypted virus as a payload encompasses the encrypted message), is generally known insofar as various cryptographic/algorithmic approaches to the key(s) generation/transfer/utilization per se. Nowhere in the prior art is found collectively the *italicized* claim elements (i.e., the *transfer* of accompanying/associated *executable code and a reference to the key information* (versus the key

per se transferred) that *specifically uses key address information to reference/retrieve the key at the designated key address to be used for the decoding/decryption of the transferred data/message) at the time of the invention*; serving to patently distinguish the invention from said prior art;

“16. A method for controlling access to a message that is communicated from a first node to a second node in a network, the method comprising the computer-implemented steps of:

generating, at the first node,

an encoded message by *encoding*

*the message with a key,*

generating, at the first node,

a set of *one or more instructions that contain*

*address data that indicates a location from which*

*the key may be retrieved and*

*executable code that implements*

*a decryption algorithm for*

*decoding the encoded message using the key; and*

providing

the encoded message and

the set of one or more instructions to the second node;

wherein, *processing the set of one or more instructions at the second node causes*

*the message to be recovered from the encoded message by:*

*retrieving the key from the location specified by the address data and*  
decoding the encoded message using the key.”.

5. Dependent claims 17-19, 22-24, 27-29, 32-36, 38-42, 44-48 are allowable by virtue of their dependencies.

***Conclusion***

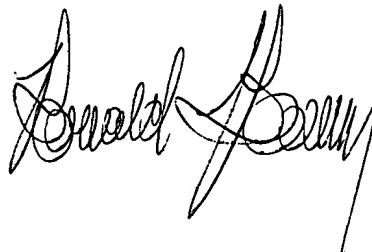
6. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861. The examiner can normally be reached Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (571) 272-3795. The Fax number for the organization where this application is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Baum

Patent Examiner



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